

II REMARKS

In response to the Office Action mailed June 4, 2004, in the above-referenced patent application, please reconsider the application in view of the amendment and remarks set forth below.

In paragraph 1, the Examiner has objected to insufficient antecedent basis, as set out more precisely in the Office Action. In response, the claims have been amended.

In paragraphs 2-4, the Examiner has rejected claims 1-39 pursuant to 35 U.S.C. Sec. 112. In paragraph 3, the Examiner contends that in claims 1, 23, 24, and 32, are indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further contends that there is ambiguity between a mass and the mass of the a particle. In response, the contention and rejection are respectfully traversed. The claims positively recite a mass and a beam of charged particles, and therefore they cannot be construed as the same, nor can the mass be construed to refer to mass of the charged particles without a second positive recital mass with reference to the charged particles. The rejection has not been shown to violate Sec. 112

In paragraph 3, the Examiner contends that, with regard to a power in claim 32, it is not clear what power is referenced. The contention and rejection are respectfully traversed because a power is positively recited twice, so the claim cannot be construed as the Examiner asserts in the Office Action. However, the claim has been amended, and the rejection is moot.

In paragraph 4, the Examiner contends that claim 32 is incomplete for failing to include essential steps as set out more precisely in the Office Action. In response, the contention and rejection are respectfully traversed as an insufficient showing of statutory violation. As regards "mass" or "matter," the claim has been amended in response to the above-mentioned corresponding objection, and perhaps this renders the rejection moot. As regards "superimposing," to the extent that the amendment has not rendered the claim moot,

the claim is broad, but definite: a violation of Sec. 112 has not been shown.

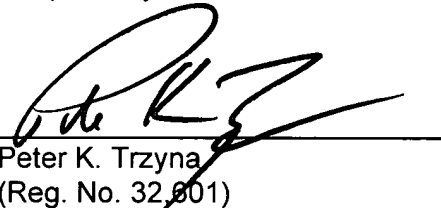
Applicant and the undersigned recognize that the Examiner has shown clear comprehension of the invention and careful examination, which are greatly appreciated.

The application is believed to be in condition for allowance, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said office action, this shall be deemed a petition therefore. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

Date: September 7, 2004


Peter K. Trzyna
(Reg. No. 32,801)

P. O. Box 7131
Chicago, Illinois 60680-7131

(312) 240-0824